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Chairman: Mr. Busacca ..... (Italy)
later: Mr. Wissa (Vice-Chairman) ..... (Egypt)

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The meeting was called to order at 3.20 p.m.

Agenda item 107: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/52/L.26)

1. **The Chairman** said that the draft resolution on assistance to unaccompanied refugee minors (A/C.3/52/L.26) had no programme budget implications. He recalled that Colombia, the Dominican Republic, Georgia and Jordan had joined the sponsors. Subsequently, Israel added its name to the list.

2. **Ms. Wahbi** (Sudan), announced that Angola, Côte d'Ivoire, Guinea-Bissau, Niger, Tajikistan and Mali had also become sponsors. The sponsors had decided, after consultations, to insert a new paragraph 7 reading as follows:

> "*Calls upon* all States and other parties to armed conflict to respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva Conventions of 12 August 1949 and related instruments, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;".

The remaining paragraphs would be renumbered accordingly.

3. She hoped that the draft resolution would be adopted by consensus.

4. **Mr. Spitzer** (United States of America), speaking in explanation of position, said that his delegation would join the consensus on the draft resolution because it recognized the particular needs and vulnerabilities of unaccompanied refugee minors and the mistreatment to which they were subject. The text rightly applied to all such children regardless of region or the nature of their problems, but was clearly directing attention to a current situation which placed their very lives in jeopardy.

5. Since the draft omnibus resolution on the rights of the child also had an entire section devoted to refugee children, his delegation suggested that, in the future, consideration should be given to consolidating the General Assembly's action on unaccompanied refugee minors in a single text. Also, the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR), at its 1997 session, had adopted a conclusion on refugee children worded in more practical terms; and his delegation urged the Committee, in future resolutions on the subject, to draw on the language of that conclusion and to reflect that approach.

6. *Draft resolution A/C.3/52/L.26, as orally revised, was adopted.*

Agenda item 112: Human rights questions (*continued*) (A/52/3, 116, 173, A/52/254-S/1997/567, A/52/262, A/52/286-S/1997/647, A/52/301-S/1997/668, A/52/347, 432, 437 and A/52/447-S/1997/775)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/52/66, A/52/81-S/1997/153, A/52/85-S/1997/180, A/52/117, A/52/125-S/1997/334, A/52/133-S/1997/348, A/52/134-S/1997/349, A/52/135, 151, 182, 204, 205, 468, 469 and Add.1, 473-475, 477, 483, 489, 494, 498, 548 and 567)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/52/61-S/1997/68, A/52/64, A/52/125-S/1997/334, A/52/170, 472, 476, 479, 484, A/52/486/Add.1/Corr.1, A/52/490, 493, 496, 497, 499, 502, 505, 506, 510, 515, 522, 527 and 583)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (*continued*) (A/52/36 and 182)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/52/36 and 182)

7. **Mr. Garcia Gonzalez** (El Salvador) said that since the signing of the 1992 Peace Agreement ending 12 years of civil war, his country had witnessed a dynamic convergence of a variety of political and social currents, all of them aimed at maintaining peaceful coexistence, the observance and promotion of all human rights, greater democracy and economic and social development. The Government had created a climate conducive to mutual understanding and nation-building that helped to keep that political commitment alive.

8. Important changes at all levels had revived public confidence and planted awareness of the value of democratic tolerance of ideas and dialogue as the rational way to resolve differences. The pluralist, open and democratic nature of the newly elected Legislative Assembly confirmed that trend.

9. Moreover, the Government had shown its support of human rights by establishing the Office of the National

Counsel for the Defence of Human Rights, whose excellent work and impartiality was regarded as one of the most positive outcomes of the Peace Agreement. The National Civil Police created under the Agreement was another force for the effective protection of human rights.

10. The fiftieth anniversary of the Universal Declaration of Human Rights was the appropriate time to assess the achievements and the continuing obstacles to the full realization of the rights it established and to measure how it had been used as an instrument of pressure and domination by some States. The basic human rights commitments had already been laid down in the Vienna Declaration and Programme of Action. As the five-year review approached, each country must determine how best to fulfil them, bearing in mind the particular circumstances and level of development of its society but guarding against using them as an argument to justify invalidating the basic principles.

11. Although the Universal Declaration of Human Rights was intended to protect individuals, its rights could be fully realized only in a specific social context, in which States played an important role. It was imposing a double standard to deal with human rights questions at the international level: on the one hand, whole societies were condemned to fall deeper into poverty and underdevelopment on the pretext that certain civil and political rights took precedence while, on the other hand, the sovereign right of nations to struggle to achieve levels of economic, social and cultural development was denied. In his country's view, human rights were indivisible; economic, social and cultural rights, and particularly the rights to development and peace should not be relegated to a lower priority.

12. *Mr. Wissa (Egypt), Vice-Chairman, took the Chair.*

13. **Mr. Christian** (Ghana) said that his delegation applauded the integration of human rights into the wide range of United Nations activities by having the United Nations High Commissioner for Human Rights participate in the work of all four main Executive Committees, and welcomed the merger of her Office with the Centre for Human Rights.

14. In Ghana, there was a Commission for Human Rights and Administrative Justice that investigated human rights violations, injustice, corruption, abuse of power and unfair treatment by public officials, and could take appropriate remedial action. The Commission also educated the public on human rights through seminars and workshops, a mass education campaign in the communities and community work projects directed at young people and non-literate sections of the population. The Commission had thus far operated objectively and impartially, with no interference from the Government.

15. His delegation welcomed the recommendation by the chairpersons of the six human rights treaty bodies that a human rights treaty ratification fund should be established to help promote universal ratification. Through technical cooperation, many countries were trying to incorporate international human rights standards into national legal systems and regional structures for the promotion of human rights, democracy and the rule of law and it was to be regretted that requests for such assistance from other Member States had not been granted for lack of funds. The High Commissioner should be encouraged to persist in her efforts to broaden the donor base for voluntary contributions to the work of her Office.

16. Poverty inhibited the full and effective enjoyment of human rights. The Commission on Human Rights at its fifty-third session had highlighted the negative effects of economic adjustment policies on human rights and the importance of the universal and inalienable right to development. The international community needed to develop a better understanding of the destabilizing effects of structural reforms that failed to take into account the social realities in the developing countries.

17. The fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the implementation of the Vienna Declaration and Programme of Action would provide an ideal opportunity for a rededication to the promotion and protection of human rights worldwide. The United Nations system in particular should take appropriate steps to plan and coordinate its human rights programmes and activities.

18. **Mr. Baali** (Algeria) recalled that long after the adoption of the Universal Declaration of Human Rights, peoples living under colonial domination had been denied their rights, including the right to self-determination, and that it had taken a determined struggle by the developing world to gain recognition that economic and social rights like the right to development were as essential as civil and political rights. The forthcoming fiftieth anniversary of the Universal Declaration provided an opportunity for taking stock of the progress made and meeting the challenges of extreme deprivation, illiteracy and absence of the rule of law in many countries.

19. The World Conference on Human Rights had been a milestone, for it had awakened the international community to the indivisibility of the whole range of human rights. Yet in the absence of international follow-up mechanisms for monitoring the observance of economic, social and cultural

rights, including the right to development, and as long as the non-governmental organizations active in the field had not fully integrated the economic and social dimension of human rights into their programmes and priorities, no true progress would be made. While States bore the primary responsibility for the realization of the right to development, the international community must provide greater support for development programmes. The important place given to the right to development in the ongoing reforms of the United Nations and the undertaking made in that regard by the new United Nations High Commissioner for Human Rights were a step in the right direction.

20. The observance and promotion of human rights had been the ultimate aim of Algeria's liberation struggle. The people of Algeria had opted for a democratic and pluralist Republic of Algeria, where human rights and the rights of the citizen would be guaranteed and abuse would not be tolerated. Algeria had, under the most adverse conditions, succeeded in setting up democratic, pluralist institutions under a democratic Constitution that permanently safeguarded those rights and had acceded to international human rights treaties. Since independence education, medical care and affordable food and housing had been made available to its citizens and the most recent elections had ensured the stability of its democratic institutions. In addition, recent reforms and initiatives had established the rule of law on a sound basis. The fight for democracy went hand in hand with a broad effort to revamp the economy so that Algeria's citizens could enjoy the fruits of development and economic growth, and with a relentless battle against a particularly brutal form of terrorism aimed at civilians.

21. The Algerian authorities were determined to take every measure, within the framework of the law and of strict respect for human rights, to ensure the security of the Algerian people. However, a definitive victory in the struggle against terrorism would never be achieved without active and determined international cooperation. Terrorism had to be fought without mercy and those who would confer respectability on the terrorist hordes by calling them "armed opposition groups" were in fact accomplices to terrorism and bore a heavy responsibility for the tragedies it inflicted.

22. No violation of human rights should be tolerated, nor should observance of human rights be applied selectively, permissively or for political ends. By the same token, no one had the right to lecture others about human rights, because no country in the world could claim to be free of human rights violations, just as no individual or organization could lay claim to being the conscience of humanity.

23. **Mr. Saliba** (Malta) commended the efforts of the United Nations system to help build independent and pluralistic national human rights institutions, incorporate international human rights standards in national laws, and encourage the establishment of national and regional structures for promoting and protecting human rights, democracy and the rule of law. A strengthened role for the United Nations in human rights activities could be instrumental in fostering an ethic of trust and cooperation among all nations. The efforts of the Secretary-General to integrate human rights in the Organization's activities at all levels should therefore continue, as should the participation of the High Commissioner for Human Rights in the activities of the four main Executive Committees. The Organization's capacities should be developed in such a way as to enable it to respond to international human rights needs proactively as well as reactively.

24. The role of the Office of the High Commissioner for Human Rights in ensuring effective implementation of human rights standards at the international level should be strengthened. Awareness of basic human rights should also be raised through education, with special attention to the rights of the most vulnerable and disadvantaged sectors of society.

25. As a member of the Council of Europe, Malta supported the Final Declaration and Action Plan adopted at the Council's Second Summit of Heads of State and Government. Malta also reaffirmed its full commitment to upholding fundamental human rights, as underscored by its decision to present its candidature to the Committee against Torture.

26. Collective actions aimed at ensuring the effective protection of the rights enshrined in international human rights instruments should not be unduly constrained by arguments over issues of national sovereignty. Malta therefore urged all Governments to boldly and effectively implement the commitments undertaken in connection with the Vienna Declaration and Programme of Action, as well as their international treaty obligations. It further encouraged all States that had not done so to ratify the international human rights conventions.

27. *Mr. Busacca (Italy), Chairman, resumed the Chair.*

28. **Mr. el-Kadiri** (Morocco) said that the implementation of the right to development was a means of preserving human dignity, ensuring social justice and preventing conflicts. It was primarily the responsibility of States, but their efforts would be futile in the absence of a favourable world environment and firm support from the international community. Enforcement of the right to development

required a long-term strategy based on mutual respect among nations, more equality of opportunity for the individual, and more equitable and democratic international economic, commercial and financial structures.

29. Despite its limited resources, Morocco's recent economic growth reflected its success in ensuring the full exercise of civil and political rights, as well as of economic, social and cultural rights.

30. Morocco was also taking measures to improve the economic and social conditions of women. Those measures included adapting training programmes for women to the needs of the job market and strengthening the administrative and management structures required to protect the rights of women functionaries and salaried workers. Tangible progress had also been made in the areas of health, literacy, school attendance, environment and access to drinking water and purification, although more could be done, mainly through reduction in persisting social disparities.

31. **Mr. Tin** (Myanmar) expressed the hope that the current process of reform would provide the opportunity to carefully and extensively review the entire machinery of human rights at the United Nations. Burma fully supported all initiatives that would ensure the application of human rights standards in conformity with the criteria enshrined in the Vienna Declaration and Programme of Action.

32. Myanmar considered the rights to development, shelter, adequate food and clothing, and living in peace and security to be the basic requirements for existence with dignity without which the implementation of more sophisticated rights would be pointless. A country's level of political, economic and social development was a key variable in judging the situation of human rights in a developing country. Moreover, community rights should be accorded an importance equal to individual rights; overemphasis on the latter often led to the deterioration of societies.

33. Aware of the vital importance of unity among ethnic groups for the preservation of independence and sovereignty as well as for economic and social development, the Burmese Government had emphasized the strengthening of ethnic unity and was working to foster the advancement of ethnic groups by launching infrastructure projects in border areas. Unprecedented numbers of armed ethnic insurgents had acknowledged Government authority and were participating in those projects, and the Government remained open to negotiations with those that had yet to do so. It was therefore difficult to understand the continued insistence in some quarters outside the country that the Government should engage in political dialogue with "representatives of ethnic groups".

34. Myanmar's policy of upholding the principles of peaceful coexistence in its international relations, combined with the policy of constructive engagement maintained by the Association of Southeast Asian Nations (ASEAN), had led to Myanmar's recent admission to ASEAN as a full member. That development was bound to contribute to regional peace, stability and prosperity. A further welcome development, resulting from the tireless efforts of the State Law and Order Restoration Council, was the replacement of that body in November 1997 with the State Peace and Development Council of the Union of Myanmar.

35. **Mr. Wonil Cho** (Republic of Korea) said that the United Nations must continue to play a leading role in promoting and monitoring the implementation of human rights and should streamline and strengthen its human rights machinery. His delegation therefore welcomed the consolidation of the Centre for Human Rights and the Office of the United Nations High Commissioner for Human Rights and looked forward to substantial progress in the High Commissioner's initiative to undertake an analysis of the technical assistance provided by United Nations bodies in fields related to human rights. Such initiatives could help ensure better integration of human rights within the activities of the United Nations system as a whole.

36. With regard to the right to development, the international community should continue to build on the momentum gained through the adoption of resolution 1997/72 of the Commission on Human Rights. It was hoped that the Intergovernmental Group of Experts could devise a more action-oriented strategy and that the Office of the High Commissioner would continue to give high priority to that issue. Economic development which did not foster greater respect for human rights and democracy was a hollow achievement. Accordingly, his delegation welcomed the ongoing efforts of the High Commissioner to build a global partnership on an integrated and holistic approach to human rights.

37. Violence against women was a serious affront to human dignity and fundamental human rights. The unbearable suffering endured by military sexual slaves during the Second World War, the so-called "comfort women", should not be dismissed as an issue of the past. His delegation reaffirmed its support for the recommendations put forward by the Special Rapporteur on violence against women, which underlined specific measures that the Japanese Government should take, to correct the situation, including the acceptance of legal responsibility, payment of

compensation and the issuance of a written public apology to individual victims. It was regrettable that significant steps still had not been taken to carry out those recommendations or respond to the demands of the victims themselves. Efforts to make amends through private sources, which most Korean victims found unacceptable, did not constitute a viable solution to that highly sensitive problem. Sincere efforts must be made without further delay to provide acceptable restitution to the victims as a whole so that they could regain their dignity and honour. He hoped that the international community would monitor progress on that issue until the concerns of the victims had been fully addressed.

38. His Government was committed to working closely with the international community with a view to strengthening the global process of democratization. Since that positive trend was being undermined by economic and social instability in some parts of the world, the international community should attempt to redress the balance and make democracy more sustainable. In that connection, he commended the Asia-Pacific Regional Workshop for its progress in promoting regional cooperation in the field of human rights.

39. **Mr. Ayewah** (Nigeria) said that the fiftieth anniversary of the Universal Declaration of Human Rights and the five-year review of the implementation of the Vienna Declaration and Programme of Action would provide a special opportunity for taking stock of progress made and problems encountered and promoting a new spirit of shared responsibility, while avoiding selectivity and partiality in assessing human rights situations in Member States. Nigeria was a party to all major international human rights instruments and believed in the universality and indivisibility of human rights and fundamental freedoms.

40. The international community should ensure that there was no erosion of confidence in efforts to guarantee the enjoyment of human rights through the implementation of international instruments. Powerful States should not take unilateral punitive measures against weaker ones on the pretext of alleged violations of human rights. The settling of political scores under the pretext of concern for human rights undermined genuine efforts to promote those rights and created the appearance of interference in the internal affairs of other States.

41. Nigeria remained fully committed to the principles of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action as well as its obligations as a party to the human rights covenants. His Government had established an independent National Commission for Human Rights, restored the writ of habeas corpus, excluded military officers from serving as members of tribunals, and set up a high-level panel to review the cases of detained and imprisoned persons. Nigeria had embarked on a phased transition programme that would lead to an elected civilian government on 1 October 1998. Major targets in the programme had been met, including the establishment of the National Electoral Commission, the registration of five political parties and the elections to all local government councils. Democracy had already taken hold at the grass-roots level. Legislative elections at the state level were scheduled to be held in December 1997. His country remained committed to its transition timetable and was counting on the support of the international community.

42. **Mr. Hynes** (Canada) said that no Government had a monopoly on the moral high ground with regard to human rights. Nonetheless, States were forced to take notice when the obligations established in the Universal Declaration of Human Rights were breached. In October, the Commonwealth had taken the important step of setting firm objectives which the Government of Nigeria would have to meet if it wished to remain a member of that organization. Full cooperation with the newly appointed Special Rapporteur would send an important signal indicating Nigeria's commitment to a return to democracy and full participation in the international community.

43. It was regrettable that there was no sign of any such commitment on the part of the Government of Iraq, which continued to show blatant disregard for the lives and human rights of its citizens. The regime continued to rule by terror, brutality, indiscriminate arrest, imprisonment and execution in order to maintain its grip on power.

44. In Myanmar, the military regime had refused to comply with repeated United Nations resolutions and offered no prospect of engagement with the international community on human rights issues. In August, Canada had joined other countries in imposing selective economic measures on that country to convey the seriousness of its concern over the suppression of political freedom.

45. Canada joined others in appealing to the Democratic People's Republic of Korea to cooperate with United Nations human rights institutions. The difficult economic situation in that country, however serious, did not justify ongoing human rights violations.

46. Although his Government was encouraged by the level of dialogue that it had developed with Cuba, it remained concerned about the lack of respect for the civil and political rights of Cuban citizens, as illustrated recently by the treatment of independent journalists in Cuba and the arrests of four human rights activists.

47. Canada had been disappointed by the new Iranian Government's inaction on human rights issues and urged it to take seriously the report of the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of racial intolerance (A/52/477), to respect the religious freedom of the Baha'is and other groups and to engage more fully in cooperation with the Special Representative on the situation of human rights in the Islamic Republic of Iran.

48. Extremely serious human rights violations continued in Afghanistan. He condemned the intolerable restrictions imposed on the rights of women and called on all Afghan factions to respect that country's international human rights commitments and cooperate with the United Nations to achieve a peaceful settlement.

49. Some States argued that suppression of human rights was made necessary in order to foster stability and economic development. Nothing could be farther from the truth. While Canada recognized the great strides that China had made in recent years in improving the living standards of its peoples, it nevertheless felt that a greater effort should be made by China to respect freedom of speech, religion and peaceful dissent both throughout the country and in Tibet, in particular. He welcomed the fact that China had recently signed the International Covenant on Economic, Social and Cultural Rights and hoped that similar action would be taken on the International Covenant on Civil and Political Rights. The willingness of the Chinese Government to discuss human rights issues frankly was also encouraging.

50. Canada also welcomed Indonesia's readiness to discuss human rights and was encouraged by the continuing cooperation between their national human rights commissions. Nevertheless, continuing infringements on the freedom of association and freedom of expression were cause for concern. He called upon the authorities in East Timor to respect due process and human rights and urged all parties to exercise restraint in the face of the increased level of violence.

51. The violent overthrow of the Government in Sierra Leone had led to a breakdown of law and order and widespread human rights abuses. He supported the efforts to reinstate the legitimate Government and restore peace.

52. Violent conflict in the Republic of Congo and the consequent loss of life troubled Canada deeply. It was unacceptable that a democratically elected president had been overthrown by force. Canada deplored the intervention of foreign forces and called for constructive dialogue and full respect for human rights by the new regime.

53. Canada was also gravely concerned by the persistent crisis in Burundi and the human rights situation in that country. The *regroupement* camps should be closed immediately and those in the camps should be reintegrated into their original communities. All parties involved should engage in a genuine dialogue and support efforts to find a peaceful solution. His delegation called on the Democratic Republic of Congo to respect fully all human rights and humanitarian norms and urged the Government to grant full access and adequate security guarantees to humanitarian organizations in assisting refugees and displaced persons in that country.

54. Internal conflict in a State was often used to justify human rights abuses. A Government which failed to respect the rights of its citizens in its efforts to suppress terrorism or armed opposition soon lost the trust and loyalty of its people. The internal conflict in Sudan was causing great hardship and suffering; and all parties bore responsibility for the violation of human rights and humanitarian law. He continued to hope for a negotiated settlement of the civil war in that country.

55. In Colombia, although guerrilla forces had repeatedly violated international humanitarian law, the Government had a responsibility to safeguard human rights and should investigate and punish atrocities committed by paramilitary organizations and provide increased protection to human rights defenders. He strongly welcomed the Government's cooperation with the Office of the High Commissioner for Human Rights.

56. The conflict in Sri Lanka underscored the importance of protecting civilian populations and the obligation of States to defend human rights. He welcomed Sri Lanka's ratification of the first Optional Protocol to the International Covenant on Civil and Political Rights and urged all parties to work towards a peaceful solution to the conflict. Canada condemned the recent terrorist attacks that had taken place in Colombo.

57. Canadians were also horrified by the massacres in Algeria and condemned in the strongest possible terms the terrorists who carried out those vicious attacks on innocent people. His country therefore supported the political and economic reforms initiated by the Algerian authorities and urged vigilance in respecting human rights by the authorities charged with combating terrorism.

58. Canada acknowledged the efforts of the Government of Rwanda to reintegrate more than a million refugees and welcomed the holding of the first genocide trials and the ongoing efforts to eliminate the culture of impunity. Nevertheless, it was deeply disturbed by the increase in

ethnic violence in northwestern Rwanda and called on all parties to respect human rights fully and scrupulously.

59. Canada welcomed Haiti's efforts to build a peaceful and democratic society and believed that the establishment of the Haitian National Police was an important step towards fuller respect for human rights. Nevertheless, his delegation was concerned about the slow pace of the judicial reform and inhumane conditions of detention.

60. Canada was encouraged by the recent progress in implementing human rights commitments in Guatemala and strongly supported MINUGUA, whose work was essential to progress in human rights and the successful implementation of the peace agreements.

61. In conclusion, he stressed that Canada, whose human rights record had on occasion been found wanting by the treaty monitoring bodies to which it reported, was committed to ongoing cooperation with the United Nations and its human rights institutions. It urged the broadest possible cooperation in implementing the human rights of everyone everywhere.

62. **Mr. Al-Hariri** (Syrian Arab Republic) said that the Vienna Declaration and Programme of Action had affirmed that all human rights were universal, indivisible and interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, while bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds.

63. The Syrian Constitution placed great emphasis on civil, political, economic, social and cultural rights for all, the sovereign nature of the law and the impartiality and independence of the judiciary. The State had a duty to defend society and the individual through application of the law and legislative measures. The Syrian Arab Republic had acceded to more than 11 human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and most International Labour Organization (ILO) Conventions.

64. The democratic process in the Syrian Arab Republic was moving ahead steadily, in keeping with international instruments and standards and the historical, cultural, economic and religious background of the country. Syrian citizens enjoyed their democratic rights in a context of political and economic pluralism, which was one of the country's many achievements in the last quarter century. The rights and role of women in society were accorded particular importance, as an indispensable factor in the nation's growth and development.

65. It was difficult to comprehend the silence of the international community in the face of serious abuses of the human rights of Arab citizens by Israeli forces in the occupied Arab territories, Syrian Golan and southern Lebanon. Israel had consistently refused to cooperate with the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and other Arabs of the Occupied Territories, whose reports confirmed the premeditated nature of the abuses to which Arab citizens were subjected.

66. The international community should refrain from using human rights issues for political purposes and should demonstrate impartiality and consistency in dealing with violations. It should oppose such practices as ethnic cleansing, foreign occupation and mass deportation, and should insist on strict adherence to international human rights instruments. It should make no distinction between fundamental political, social and economic freedoms, stressing as much the right to food and medical care as the right to a fair trial. The international community should refrain from using coercive and undemocratic methods in international relations and from interfering in the domestic affairs of other States on the pretext of defending an individual's human rights. It should also act under the authority of the elected or appointed human rights institutions of the United Nations and should not ignore the views of States on issues which affected them particularly.

67. His delegation was willing to continue its cooperation with the United Nations, drawing on the experience of its human rights bodies, in order to ensure greater security, stability and peace for every individual.

68. **Mr. Marzuki** (Malaysia) said that the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights in 1998 would be an occasion for the international community to measure the significant progress made so far, and, more importantly, to engage in constructive debate on issues which lay at the heart of current human rights thought. While some might say that never in the course of human history had so many enjoyed the fruits of democracy and freedom, there could be no denying that in absolute terms, many were still shackled by the chains of poverty, deprivation and fear, despite the codification of some 70 human rights instruments currently in force.

69. The anniversary should stimulate a review of the human rights documents and their application. The views of countries which were not Member States at the time of the

adoption of the Universal Declaration must be heard. His delegation was encouraged by the statements made by the United Nations High Commissioner for Human Rights that the Universal Declaration was a living document.

70. With the adoption of the Vienna Declaration and Programme of Action, the international community had affirmed the intrinsic link between human rights, democracy and development, but it had yet to come to an agreement as to how that linkage was to be made operational, that is, how it would translate into real gains on the ground. The efforts to integrate human rights into the whole spectrum of United Nations activities should not result in political pressure to impose conditions on the legitimate development activities of developing countries. Instead, they should address the problem of the current emphasis on civil and political rights at the expense of economic, social and cultural rights.

71. The international community had yet to engage in a meaningful debate on the interrelated questions of the universality of standards and the universality of approach in the field of human rights. The universality of human rights must be based on the recognition of cultural, geographical and historical particularities. The importance of tolerance, understanding and common decency must be borne in mind. The differing positions of the developed and developing countries on the issue must be reconciled if the international community was to have a civil and constructive dialogue instead of what could easily be a highly contentious and acrimonious debate.

72. His delegation welcomed calls to include the Declaration on the Right to Development as part of the International Bill of Human Rights, on an equal footing with its other components. That Declaration was significant in its emphasis on both individual and collective rights. His delegation was heartened by the repeated assurances of the High Commissioner that the importance of economic, social and cultural rights and the right to development would be affirmed and that efforts would be made to integrate those rights with civil and political rights.

73. His delegation supported the view expressed by the High Commissioner in paragraph 48 of her report (A/52/36) that visits to countries were "an essential tool of the special procedures system in order to gain insight into the objective reality of the situations". The administrative procedures and guidelines explicitly relating to the visits made in an official capacity should be made available to Governments in good time. His delegation noted with keen interest the forthcoming analysis of technical assistance provided by the United Nations in the field of human rights. The formulation and follow-up to that analysis should not be divorced from the intergovernmental process, and the views of Governments should be given due emphasis.

74. His delegation welcomed the commitment of the High Commissioner to ensuring a good geographical balance in appointments to senior positions in her Office, which would help to bring together all regions of the world in a joint effort for the promotion and realization of all human rights. That, in turn, would go a long way to dispel notions that human rights were an issue of interest only for certain countries.

75. His delegation was encouraged by the commitment of the High Commissioner to foster a spirit of constructive dialogue on human rights, and her determination to build bridges among all regions of the world in order to reinforce trust and confidence in her Office.

76. **Mr. Bandora** (United Republic of Tanzania) congratulated the Special Rapporteur of the Commission on Human Rights on the difficult task that he was performing in Burundi, and agreed with him that, over the past year, the civil war in Burundi had escalated and that human rights violations had continued as a direct consequence. The United Republic of Tanzania and other countries of the Great Lakes region were concerned that the protracted nature of the conflict in Burundi was detrimental to the enjoyment of human rights in that country. He also agreed that the proliferation of arms in Burundi had served to fuel the civil strife and that there was a need to stem the flow of arms to that country by means of an international arms embargo against the warring parties.

77. His Government had always believed that a legacy of political rigidity and conflict in Burundi directly contributed to human rights violations. That was why the countries of the region were trying to help Burundi emerge from its current crisis through dialogue aimed at a peaceful transition to democracy.

78. Notwithstanding the military takeover on 25 July 1996, the region had undertaken to continue with the initiative to ensure that negotiations were sustained and deepened under the auspices of the Mwanza Peace Process. Shortly after the coup, the Arusha Regional Summit had set out conditions to be met and had agreed to impose economic sanctions pending the resumption of negotiations. Once the region was convinced that the military authorities were clearly committed to getting the country back onto the track to democracy through genuine dialogue, the sanctions would have fulfilled their purpose and would be removed.

79. With the imposition of sanctions, the region had remained sensitive to the plight of men, women and children affected by the conflict. To address humanitarian concerns,

the countries of the region had decided on 16 August 1996 to allow the importation into Burundi of items such as baby food and essential requirements for infants and hospital patients, emergency medical and laboratory supplies, and limited quantities of kerosene for the cold chains for vaccines. It had also been decided that emergency flights would be authorized on a case-by-case basis, and that restricted road access to and from Burundi would be allowed for personnel of the United Nations and other humanitarian agencies.

80. Thus, the sanctions had been gradually modified in order to alleviate the suffering of the people of Burundi. It should be appreciated that their objective was not punitive; they were designed to assist in the peace process as an incentive to negotiation. The region was committed to continually reviewing the sanctions in response to the humanitarian needs of the people of Burundi. Unfortunately, the authorities in Burundi showed no willingness to negotiate and were inventing excuses for not engaging in dialogue.

81. That was the truth of the situation on the ground. His delegation was therefore appalled by the misrepresentation of facts and malicious assertions made by the Special Rapporteur in his report, where he alleged that economic sanctions imposed by the region against the military authorities in Burundi were a violation of human rights. On the contrary, the sanctions had been imposed to support the cause of human rights in Burundi, and should continue until there were clear signs that the military authorities were willing to resume a dialogue for peace. It was unfortunate that the Special Rapporteur, obviously for self-serving political reasons, had chosen to misrepresent the facts. It was a matter of public record that the sanctions on all food products and all items relating to education and construction materials, medicines and agricultural items had been suspended in April 1997. A limited amount of fuel had been allowed in for the use of humanitarian agencies. The region had expressed the unequivocal position that once dialogue took root, even the fuel embargo would be lifted.

82. His delegation therefore took strong exception to the report of the Special Rapporteur and in particular to his assertion on sanctions, their status and their application. The sanctions had a context and a limited objective, namely peace, which was supported by the Organization of African Unity, and which the Special Rapporteur should be supporting and not undermining. His delegation also took strong exception to the suggestion by the Special Rapporteur that an arms embargo should be imposed upon the Great Lakes region generally. That was an attempt to infringe upon the sovereignty of the countries of the region, and to create the erroneous impression that the problems of Burundi emanated from those countries.

83. He hoped that in future the Special Rapporteur would desist from such biased and fallacious reporting. His distortions and misrepresentations notwithstanding, the United Republic of Tanzania and the countries of the region would continue to assist Burundi in maintaining a dialogue with the international community on its way towards peace and democracy. As a responsible neighbour, the United Republic of Tanzania would be there to help the people of Burundi once they overcame the current difficulties.

84. **Ms. Wahbi** (Sudan), speaking in exercise of the right of reply in response to a statement made at an earlier meeting by Luxembourg on behalf of the European Union and other countries aspiring to join the European Union, questioned whether the reports of human rights violations in the Sudan mentioned in that statement had been based on confirmed facts. There were reports of human rights violations in all Member States, but the European Union had chosen to cite countries and regions almost all of which were in the developing world.

85. The approach of the European Union reflected the notion that human rights violations were somehow related to the degree of economic and social development achieved in a particular country or region. In future, the European Union should bear in mind the importance of economic and social rights, particularly the right to development, which she hoped the European Union still acknowledged as one of the recognized human rights.

86. Her delegation welcomed the European Union's recognition of her Government's cooperation with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan and its human rights machinery. The Sudan's genuine efforts in the field of human rights were derived from the commitment of the Sudanese Government to promote and protect all the human rights of its people.

87. Her Government had been exerting every effort to ensure that the forces engaged in the conflict in southern Sudan would fully respect international humanitarian law, particularly the protection of civilians. Moreover, it was no secret that Operation Lifeline Sudan was an initiative of her Government aimed at providing relief and humanitarian assistance to the affected population of southern Sudan. Also, her Government's efforts to establish peace were well known to the European Union.

88. The European Union should not turn a blind eye to the human rights violations committed by the one remaining

rebel faction in the south; it should recognize the positive steps taken by her Government in the field of human rights and the maintenance of peace.

89. Referring to an earlier statement by the representative of Japan, she said that her delegation supported Japan's approach to handling human rights issues through cooperation. That approach should have led Japan to refrain from selecting a few specific countries about which to express concern in the area of human rights.

90. **Mr. Choe Su Hon** (Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation categorically rejected the groundless allegations made earlier by the representative of Canada. Canada should not pretend that it was an "angel" in the field of human rights. It was a matter of serious concern to his delegation that Canada, for its own political purposes, had exploited the current difficulties caused by natural disasters in the Democratic People's Republic of Korea, and had slandered that country.

91. His Government was very grateful for the fact that Canada was one of the States which had been endeavouring to help the Democratic People's Republic of Korea by providing humanitarian assistance. However, that could not justify its abuse of humanitarian assistance for the sinister purpose of making biased political accusations against a sovereign State. Canada should consider its own domestic human rights violations, rather than make accusations against numerous other countries and pretending to be a so-called protector of human rights throughout the world.

92. **Mr. Fernández Palacios** (Cuba), speaking in exercise of the right of reply, recalled that the representative of Canada had stated that no Government had a monopoly on observance of human rights. It was regrettable that the Canadian delegation had failed to take account of that fact in its earlier reference to his country.

93. Cuba and Canada were engaged in a constructive bilateral dialogue on numerous matters of common interest, including human rights. Thus, the Cuban delegation had explained to the representatives of Canada that the so-called "independent journalists" referred to by Canada were neither independent nor journalists. They were paid mercenaries serving a major Power. Earlier that day, Cuba had made available to delegations a press release describing the real activities of those so-called journalists.

94. Cuba's bilateral relationship with Canada had enabled the Cuban delegation to communicate to that country's representatives the point of view of vast sectors of civil society in Cuba regarding the exercise of human rights by the indigenous population of Canada, particularly their economic, social and cultural rights, in respect of which much progress needed to be made.

95. He reminded States which saw themselves as the conscience of humanity, such as Norway, and which produced long lists of concerns regarding developing countries, that it would be preferable for them to look at their own societies, for they were far from being models for the countries of the South. The latter were well aware of the true significance of human rights; they had suffered violations of those rights over many centuries of poverty, injustice and discrimination.

The meeting rose at 5.35 p.m.